IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 3342 of 2005

Between:

Tadi Rama Kumari, W/o. Satyanarayana,
R/o. D.No. 31-10-32, Gantalamagudi Street, Rajahmundry,
East Godavari District.

..... PETITIONER

AND

1. The Deputy Registrar of Co-operative Secieties, Rajahmundry,

East Godavari District.
2. The Assistant Registrar/Sale Officer, The Aryapuram Co-operative

Urban Bank, No. 3127, Rajahmundry, East Godavari District.
3. Sri Arava Murali Krishna, S/o. Surya Rao,
R/o. Gantalammagudi Street, Rajahmundry, East Godavari Districtr.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, more in the nature of Writ of Mandamus, directing the 2nd respondent not to conduct auction of her building bearing Municipal Door No. 31-10-*32 (Old No. 30-10-18), Situated at Gantalmmagudi Street, Rajahmundry, East Godavari District, which is going to be auctioned on 24-2-2005 in pursuance of the notification of the 2nd respondent dt. 10-2-2005 and further declare the action of the 2nd respondent in conducting the auction of the above property on 24-2-2005 as arbitrary, illegal, violative of principles of natural justice, and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.S.N.SARMA

Counsel for the Respondents: G.P. FOR COOPERATION

The Court at the stage of admission made the following:

ORAL ORDER:

Heard both sides.

1. The sale notice, dated 10-02-2005 issued by the second respondent-the Aryapuram Co-operative Urban Bank, Rajahmundry, is under challenge in the present writ petition.

2. The undisputed fact is that the petitioner is a loanee and defaulter of the second respondent-bank. Pursuant to the said default, the property of the petitioner had been brought to sale. Initially, this Court while issuing notice before admission in this writ petition granted interim stay on 23-02-2005.

3. Now the learned counsel appearing for the petitioner submits that if some reasonable time is granted to the petitioner, the petitioner is willing to repay the loan amount to the respondent-bank.

4. Having regard to the facts and circumstances, and particularly in the light of the keenness being shown by the petitioner in repaying

the loan amount,

I feel it expedient to grant some time to the petitioner to repay the loan amount.

5. Accordingly, the writ petition is disposed of, at the stage of admission, with a direction to the petitioner to repay the loan amount within eight (8) weeks from today. In default, it is open for the respondents to proceed against the petitioner in accordance with law. No costs.

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D.S.R.VARMA, J

10TH MARCH 2005

ISN

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Deputy Registrar of Co-operative Secieties, Rajahmundry,

East Godavari District.

2. The Assistant Registrar/Sale Officer, The Aryapuram Co-operative

Urban Bank, No. 3127, Rajahmundry, East Godavari District.

3. Two CCs to G.P. for Co-operation, High Court Buildings, Hyderabad (OUT).

4. Two CD copies

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.No.3342 of 2005

10TH MARCH 2005